IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.2876 of 2005**

DATE OF DECISION: August 30, 2007

RAM NARAYAN ...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE T.P.S. MANN.

PRESENT: MR. AMAN CHAUDHARY, ADVOCATE FOR THE PETITIONER.
MR. HARISH RATHEE, SR.DAG, HARYANA.
MR. B.S. CHAHAR, ADVOCATE FOR RESPONDENT NO.4.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has prayed that directions be issued to the respondents to release the balance of 2 months' leave encashment out of 10 months as has been released to similarly situated persons including one Bhawani Shankar.

The petitioner has also prayed that the respondents be directed to pay interest on the delayed payment of pension and pension commutation.

The petitioner was appointed as an Octroi Clerk in the Municipal Council, Hansi. Just 2 months prior to his retirement, he was transferred to Hisar from where he superannuated. The petitioner claims that he is entitled to 2 months' leave encashment out of 10 months which has been released to other similarly situated persons. Learned counsel submits that the petitioner retired as Octroi Clerk from the Municipal Council, Hisar on 30.4.2002 and that his pension and pension commutation

was released to him on 10.1.2003.

Reply has been filed on behalf of the respondents wherein it has been averred that the petitioner was required to claim leave encashment 8 months prior to his retirement date which has not been submitted by him and hence he is not entitled to any leave encashment for the period of 2 months.

The stake on the part of the petitioner is only procedural. But the fact remains that he was entitled to be granted leave encashment which has not been paid to him.

In view of the above, we allow the writ petition and direct the respondents to pay the petitioner 2 months' leave encashment out of 10 months. We find that as there was no substantial delay in releasing the pensionary benefits to the petitioner hence he is not entitled to any interest.

Writ petition disposed of.

(ASHUTOSH MOHUNTA)
JUDGE

August 30, 2007
Gulati

(T.P.S. MANN)
JUDGE